

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION**

**FILED**

**JAN 26 2016**

Clerk, U.S. District Court  
District Of Montana  
Billings

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL SERREL JOHNSON,

Defendant.

CR 15-13-BLG-SPW

ORDER

This matter comes before the Court on the Findings and Recommendations of United States Magistrate Judge Carolyn Ostby. (Doc. 39). Defendant Michael Serrel Johnson filed a Motion to Suppress on November 4, 2015. (Doc. 28). Johnson seeks to suppress evidence recovered as a result of a traffic stop on August 21, 2014, and a subsequent warranted search on August 22, 2014. This Court referred the motion to Judge Ostby. (Doc. 31). Judge Ostby held a hearing and entered her Findings and Recommendations on December 24, 2015. In the Findings and Recommendations, Judge Ostby recommends that this Court deny Johnson's Motion to Suppress.

Pursuant to 28 U.S.C. § 636(b)(1), written objections to Judge Ostby's Findings and Recommendations were due 14 days after their filing. No objections

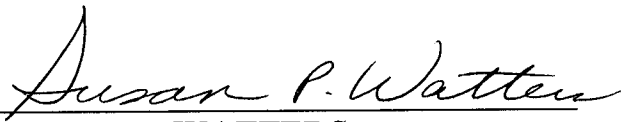
were filed. When neither party objects, this Court must still review Judge Ostby's conclusions for clear error. Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir.2000). After reviewing the Findings and Recommendations, this Court does not find that Judge Ostby committed clear error.

Accordingly, IT IS HEREBY ORDERED

1. Judge Ostby's Findings and Recommendations (Doc. 39) are ADOPTED IN FULL.

2. Johnson's Motion to Suppress (Doc. 28) is DENIED.

DATED this 26<sup>th</sup> day of January 2016.

  
SUSAN P. WATTERS  
United States District Judge